



"Making a Difference"

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

MEETING DATE April 1, 2005 LOCAL EFFECTIVE DATE April 15, 2005 APPROX FINAL EFFECTIVE DATE May 6, 2005	CONTACT/PHONE Marsha Lee 805-788-2008	APPLICANT Terry Sweetland	FILE NO. DRC 2004-00032
<b>SUBJECT</b> Request by Terry Sweetland for a Minor Use Permit/Coastal Development Permit to construct a new, two-story, single family dwelling of approximately 2655 square feet and a 530 square foot attached garage. The project will result in the disturbance of approximately 2700 square feet on a 3000 square foot parcel. The proposed project is within the Residential Multi Family land use category and is located at 362 McCarthy Avenue, approximately 500 feet east of Strand Avenue in the Oceano Beach area. The site is in the San Luis Bay Coastal planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC 2004-00032 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption (ED04-354) pursuant to CEQA guidelines section 15303 was issued on February 9, 2005			
<b>LAND USE CATEGORY</b> Residential Multi Family	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Coastal Appealable Zone, Archaeologically Sensitive Area, Small Scale Neighborhood, and Airport Review Area, Flood Hazard	<b>ASSESSOR PARCEL NUMBER</b> 061-021-014	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> Airport Review Area and building height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Coastal Appealable Zone, Local Coastal Plan, Archaeologically Sensitive Area, Small Scale Neighborhood <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

EXISTING USES: vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Res. Multi Family/ Single Family Residences <i>East:</i> Res. Multi Family/ Single Family Residences <i>South:</i> Res. Multi Family/ Single Family Residences <i>West:</i> Res. Multi Family/ Single Family Residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Oceano/Halcyon Advisory Council, Public Works, Oceano Community Services District, California Coastal Commission, Airport Manager, Community Advisory Liaison Tony Navarro	
TOPOGRAPHY: Relatively Flat	VEGETATION: Grasses, ice plant
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Oceano Fire Department	ACCEPTANCE DATE: February 9, 2005

## DISCUSSION

### PLANNING AREA STANDARDS:

Airport Review Area: This project site is within the Airport Review Area and is subject to the standards set forth in the San Luis Bay Planning Area Combining Designations section. Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan. A recorded avigation easement is required prior to issuance of a building permit. *The project complies with these standards as conditioned.*

Height: Structures in the Oceano Multi-Family Residential area are not to exceed 25 feet. *The project complies with this standard.* The maximum height is 25' above finished floor (finished floor must be at least one foot above known 100 year flood zone height) which raises structure out of the 100 year flood plain.

### LAND USE ORDINANCE STANDARDS:

Section 23.07.120: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.01.043 Appeals to the Coastal Commission (Coastal Appealable Zone): The project is appealable to the Coastal Commission.

Section 23.04.100 Setbacks: All the setback requirements are included in this section of the Coastal Zone Land Use Ordinance. The required front setback is a minimum of twenty-five feet. The required side setback is ten percent of the lot width to a maximum of five feet on sites less than one acre in net area. The required rear setback is ten feet on sites of less than one acre in net area. *The project complies with these standards.*

Section 23.05.106 Curbs, Gutters and Sidewalks: Curbs, Gutters and Sidewalks are required with any project in the Residential Multi-Family category. *The project complies with this standard.*

Geology - Liquefaction susceptibility

Recent studies by the U.S. Geological Survey (USGS) have confirmed liquefiable soils in the project area. A Geotechnical Engineering Report for the proposed single family residence on McCarthy Avenue, Oceano APN 061-021-014 was prepared by Buena Geotechnical Services, dated May 20, 2004. The report concluded that the site is suitable for the proposed development from a geotechnical engineering standpoint provided the recommendations contained herein are properly implemented into the project. A factor of safety results, prepared December 9, 2004, and an Addendum dated November 12, 2004, was prepared by Buena Geotechnical Services for the project site. The project is conditioned to implement the recommendations and conclusions of the Addendum report requiring structural mat foundation and overexcavation below the bottom of the footings. The County Geologist reviewed the reports and concurred with the recommendations.

#### Flood Hazard Area

The project site is within a 100 year floodplain. The height of the structure is 25' above finished floor (elevated approximately 3.5 feet from original grade), which raises the structure out of the 100 year flood plain.

COASTAL PLAN POLICIES: COASTAL PLAN POLICIES: The project is consistent with the Coastal Plan Policies. The most relevant policies are discussed below.

#### **Public Works:**

*Policy 1: Availability of Service Capacity applies to the project. The applicant needs to demonstrate that adequate public service capacities are available to serve the proposed project by submitting a water and sewer will-serve letter. A letter dated August 27, 2003 from the Oceano Community Services District (OCSD) states that they are able to serve the project under conditions stated by OCSD.*

#### **Shoreline Access:**

*Policy 2: New Development shall provide access to the beach. The proposed project is consistent with this policy because although it is near the beach, the proposed residence is not between the first public road and the shoreline and new access ways are not needed because adequate access already exists.*

#### **Visual and Scenic Resources:**

*Policy 1: Site Selection for new development: The proposed project is consistent with this policy because the development is sited so as to protect views to and along the ocean.*

*Policy 5: Land-form Alteration: The proposed project is consistent with this policy because grading, earthmoving, major vegetation removal and other land-form alterations within public view corridors will be minimized.*

*Policy 6: Special Communities and Small-Scale Neighborhoods. The proposed project is located within the Oceano Small Scale Neighborhood area and is subject to the policies for visual and scenic resources. New development in this area is to be designed and sited to complement and be visually compatible with existing characteristics of the community. The proposed single family residence is consistent with this policy.*

*Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because no trees are proposed for removal.*

#### **Archaeology:**

*Policy 1 & 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. Policy 1 focuses on the protection of archaeological resources, and that the county shall protect both known and potential archaeological resources. Policy 4 requires a preliminary site survey conducted by a qualified archaeologist that is knowledgeable in Chumash culture. The project is located within an archaeologically sensitive area and is consistent with these policies because a preliminary site survey was conducted by a qualified archaeologist and no resources were found on the subject property (Parker & Associates, September 7, 2004).*

Hearing Officer

Sweetland Minor Use Permit/Coastal Development Permit # DRC 2004-00032

Page 4

**COMMUNITY ADVISORY GROUP COMMENTS:**

Approve - December 20, 2004 meeting of Oceano/Halcyon Advisory Committee

**AGENCY REVIEW:**

Public Works - Need Curb Gutter and Sidewalk.

Oceano Community Services District & Fire- Recommend approval upon completion of conditions of will serve letter.

California Coastal Commission - None received as of 2/9/05

Airport Manager - Approve on August 31, 2004 with conditions at meeting of ALUC, September 15, 2004

Staff report prepared by Marsha Lee and reviewed by Matt Janssen

## **EXHIBIT A - FINDINGS**

### *CEQA Exemption*

- A. The project qualifies for a (Class 3) Categorical Exemption ED 04-354 pursuant to CEQA Guidelines Sections 15303 because there is only one structure single family dwelling to be constructed.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The applicant has demonstrated that adequate public service capacities are available to serve the proposed project by submitting water and sewer will-serve letters.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project will not inhibit access to the coastal waters and recreation areas. There is established coastal access that exists near the site, and this site is not adjacent to the beach.

### *Archeological Sensitive Area*

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no resources were found during the preliminary site survey and the project has been conditioned in the event resources are unearthed during construction.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes:
  - a. Construct a new, two-story, single family dwelling of approximately 1976 square feet and a 588 square foot attached garage.
  - b. Maximum height - 25' from finished grade (3.5 feet of fill will be imported to raise the finished floor elevation one foot above the 100 year flood elevation)
  - c. No porches, decks, or structures above 30" in height extending into the front setback.
2. **Prior to issuance of any construction permit**, show onsite water and sewer services and cleanouts on plot plan.
3. **Prior to occupancy**, the applicant shall install concrete curb, gutters and sidewalks as approved by the County Public Works Department.

### **Airport Review**

3. The project shall be in full compliance with Federal Aviation Regulation part 77, "Objects Effecting Navigable Airspace."
4. Maximum interior noise levels in the structure shall be limited to 45 dBA or less.
5. **Prior to issuance of any construction permit**, the applicant shall receive an avigation easement from the County of San Luis Obispo via an avigation easement document prepared by the County. The avigation easement document shall be reviewed and approved by County Counsel.
6. Non-reflective materials shall be used for buildings and signs.
7. No light emissions that would interfere with aircraft operations shall be used during construction or as part of the project.
8. No electronic transmissions that would interfere with aircraft operations shall be used during construction or as part of the project.
9. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the presence and operations of the Oceano Airport and any noise, safety, or over-flight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent or otherwise occupy the structure.

### **Archaeology**

10. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may

be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

- b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

#### **Grading, Drainage, Sedimentation and Erosion Control**

- 11. **Prior to issuance of any construction permit**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
- 12. **Prior to issuance of any construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

#### **Fire Safety**

- 13. **Prior to issuance of any construction permit**, the applicant shall provide the County Department of Planning and Building with a fire safety plan approved by the Oceano Community Services District (OCSD). The fire safety plan shall include, but not be limited to all requirements as specified by OCSD.
- 14. **Prior to occupancy or final inspection, which ever occurs first**, the applicant shall obtain final inspection and approval from OCSD of all required fire/life safety measures.

#### **Services**

- 15. **Prior to issuance of any construction permit**, the applicant shall provide a letter from Oceano Community Services District stating they are willing and able to service the property.

#### **Building Height**

- 16. **The maximum height of the project is 25 feet from average natural grade.**
  - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark). Maximum height is from finished floor which is approximately 3.5 feet above original grade to elevate from 100 year flood plain.
  - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
  - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

#### **Geology**

- 17. **Prior to issuance of any construction permit**, the plans shall incorporate the recommendations in the Addendum to Geotechnical Engineering Report, by Buena Geotechnical, dated November 12, 2004. These recommendations include, but are not limited to a structural mat foundation and overexcavation below the bottom of the footings.

18. **Prior to issuance of any construction permits**, the project CEG/RGE shall provide the building designer and County Geologist with the UBC Near-Source Seismic Coefficient for ground acceleration.
19. **During construction**, the project CEG/RGE shall observe the foundation excavation to ensure that the required embedment is obtained; the foundation locations, depths, and lithologies shall be recorded on an as-built geologic map; and two copies of the map shall be provided to the San Luis Obispo County Geologist for the department's records.
20. **Prior to issuance of any construction permits**, the project CEG/RGE shall evaluate if naturally occurring asbestos is present at the site. If naturally occurring asbestos is found at the site, an Asbestos Health and Safety Program and an Asbestos Dust Mitigation Plan is required to be approved by the CARB before grading or construction begins, or use the standard APCD recommendation for mitigation.

**Miscellaneous**

21. **Prior to issuance of any construction permit**, the applicant shall pay all applicable school and public facilities fees.
22. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
23. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').



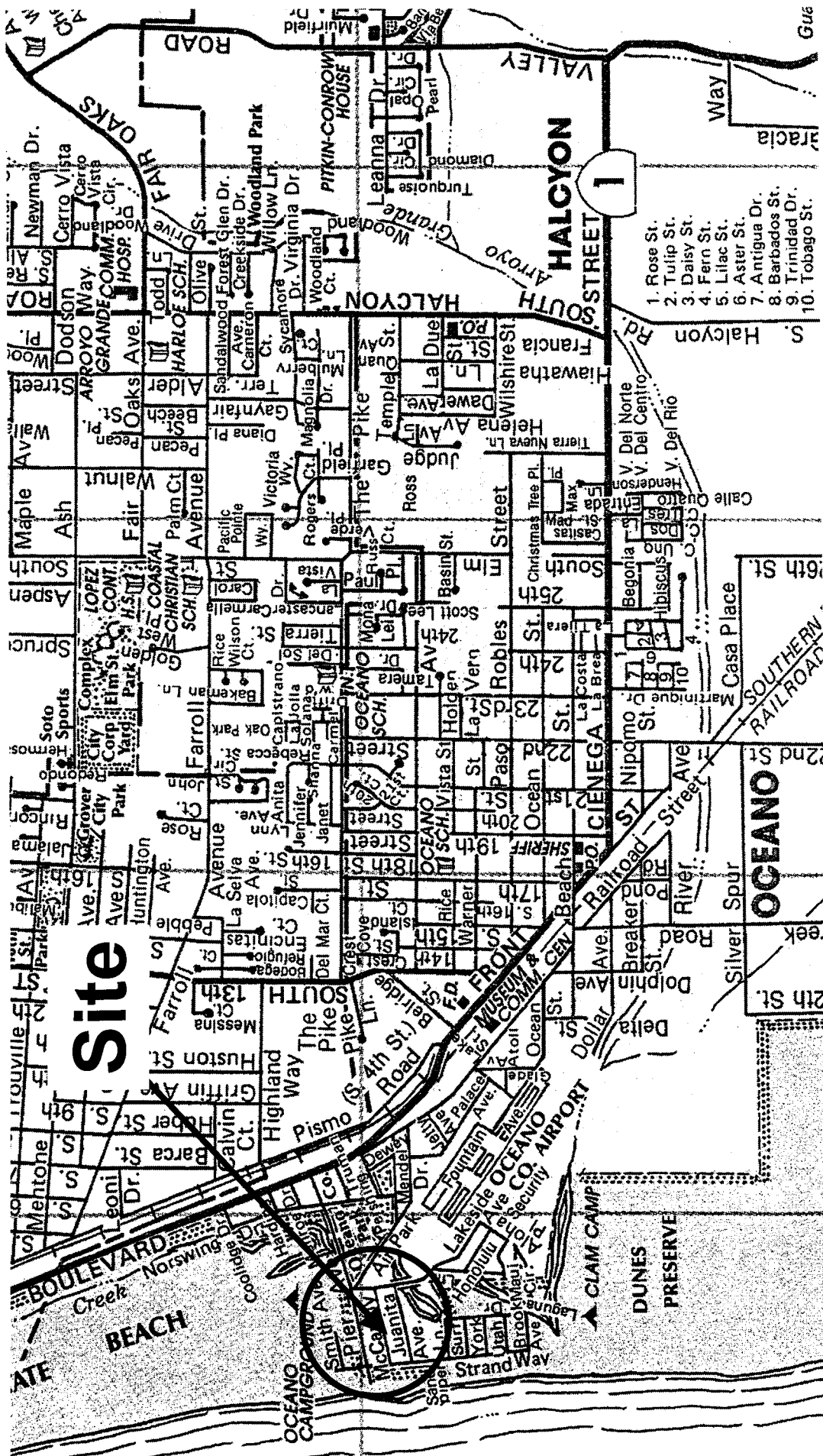


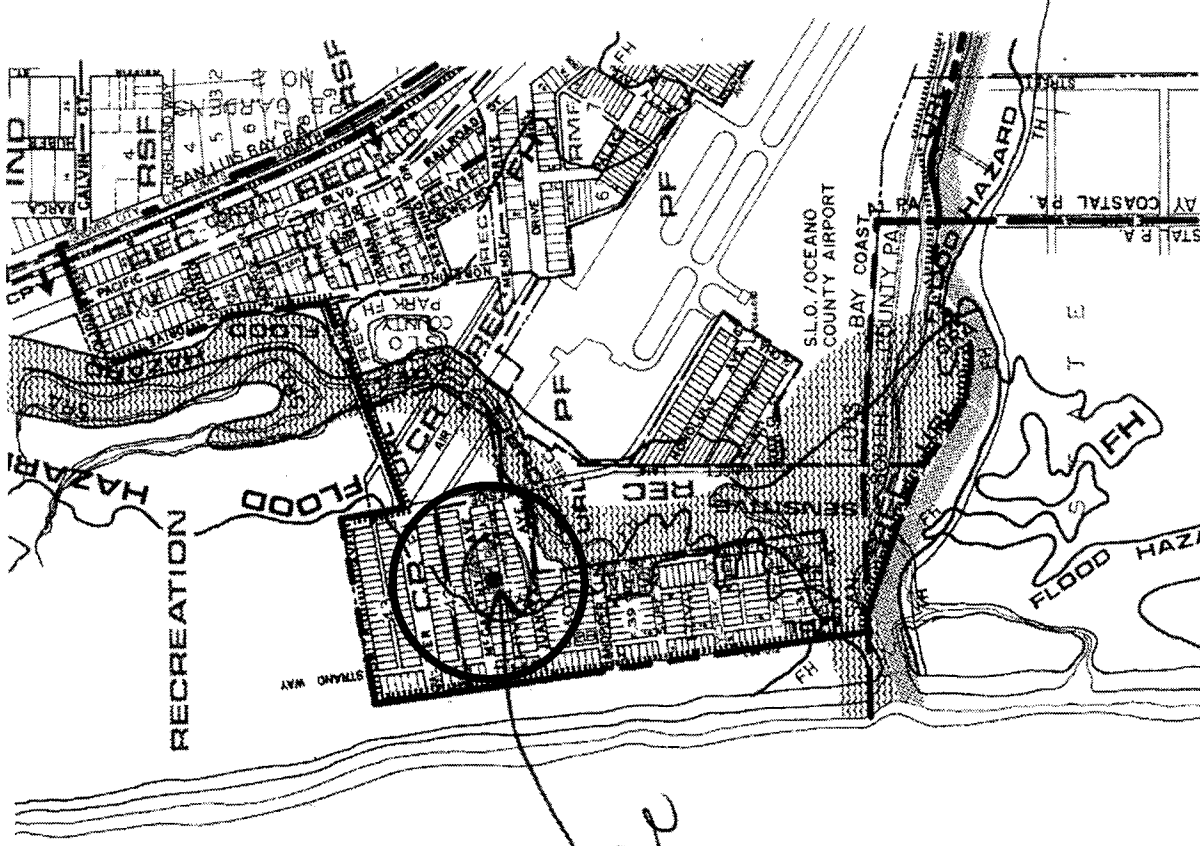
Exhibit  
Vicinity Map

Project  
Minor Use Permit  
Sweetland/ DRC2004-00032

THIS ENTIRE MAP IS WITHIN THE AIRPORT  
REVIEW AREA

N A L C O

site



Project  
Minor Use Permit  
Sweetland/ DRC2004-00032

Exhibit  
Land Use Category Map -  
Project in Residential Multi Family Category

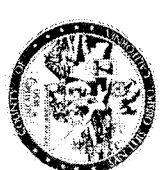
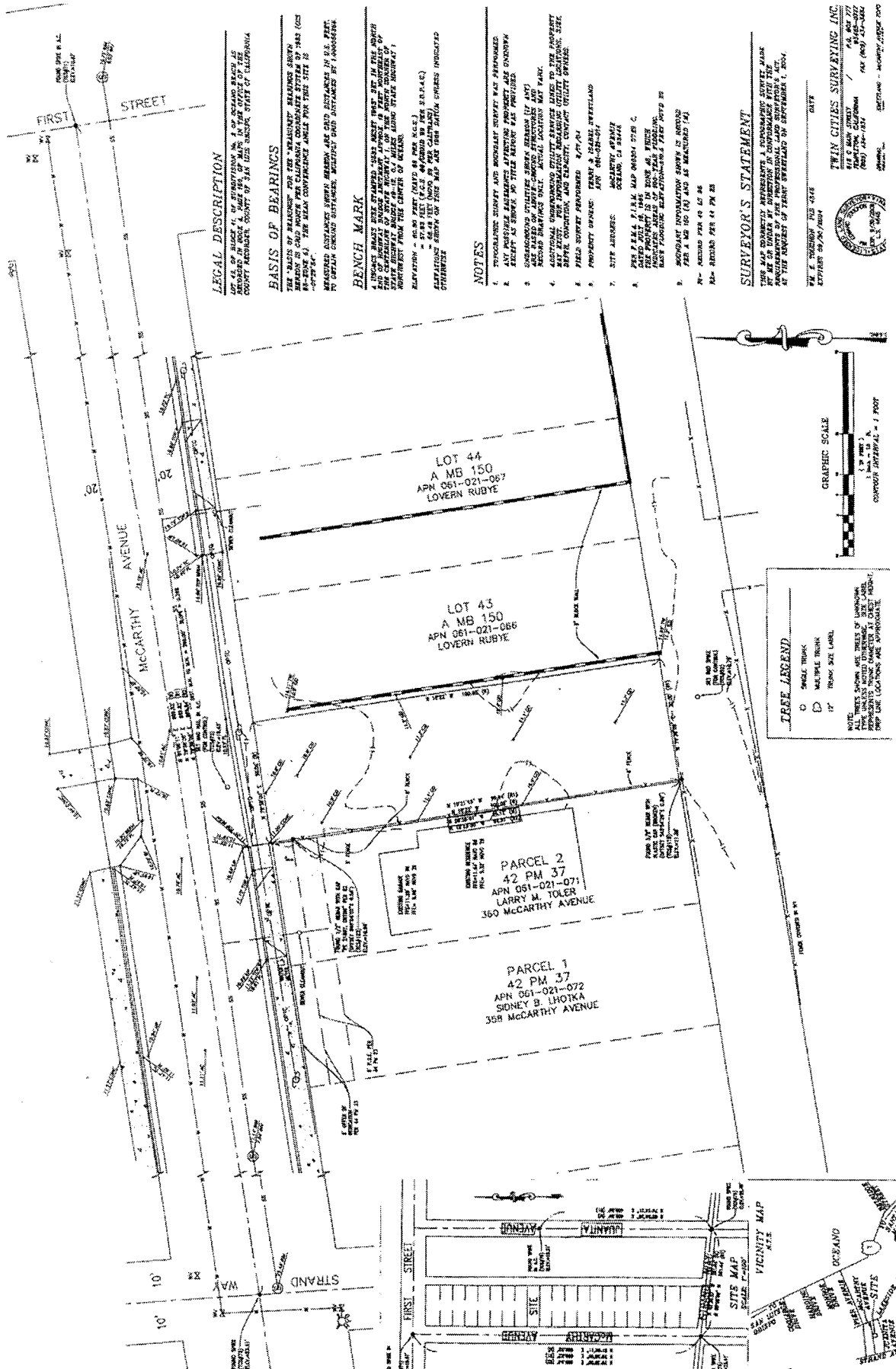
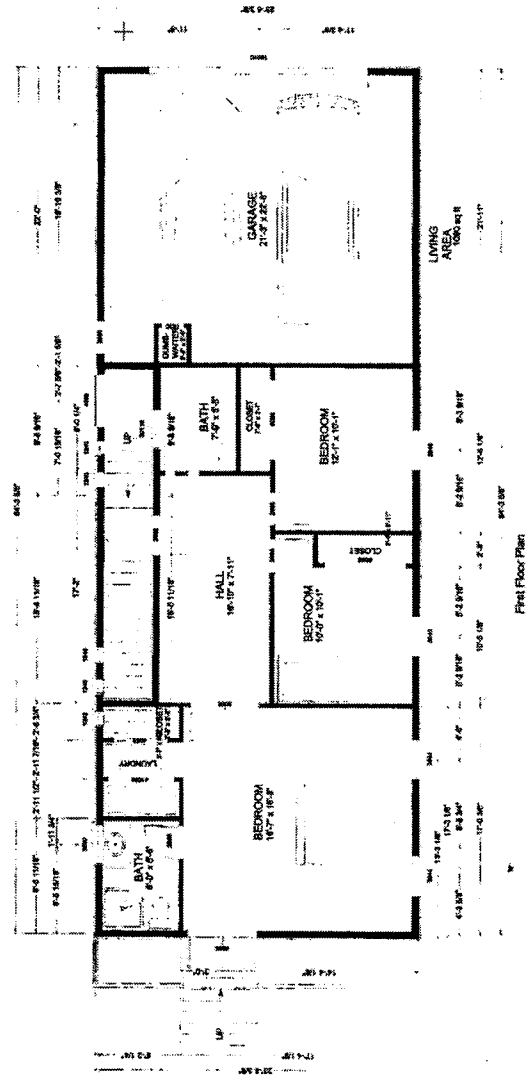
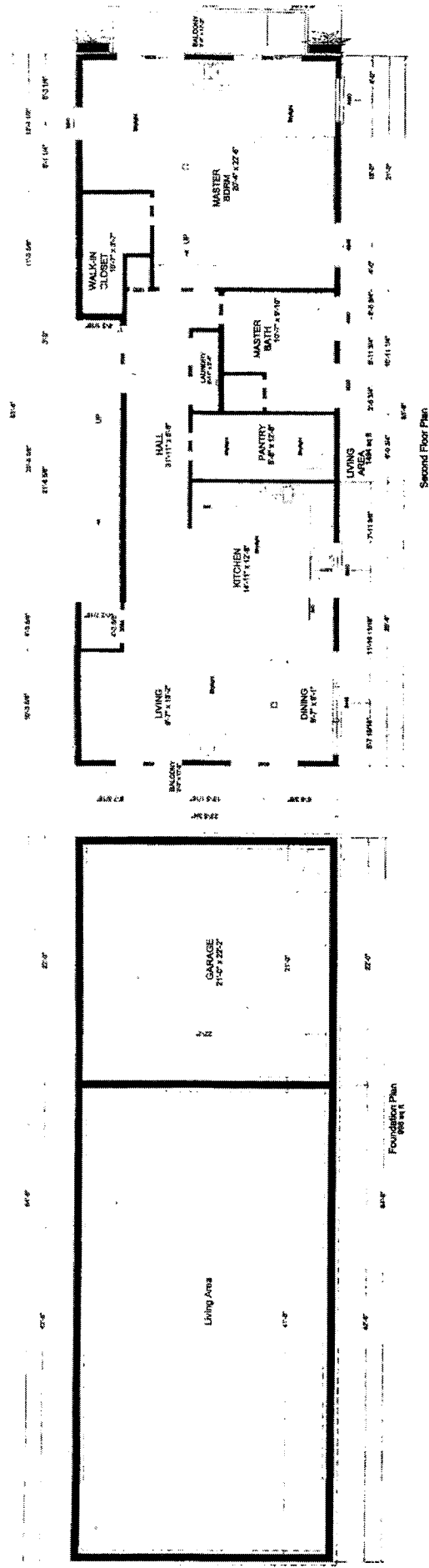


Exhibit  
 Site Plan

Project  
 Minor Use Permit  
 Sweetland/ DRC2004-00032



**Proposed Sweetland Residence**  
APN: 281-021-014  
Located on Modesty Avenue

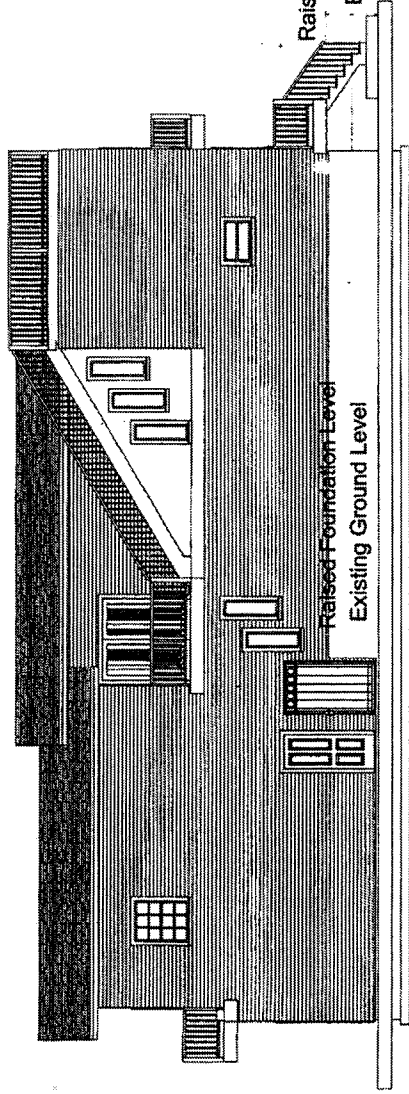
**California Packaged Homes**  
188 Huestonville Lane  
Palo Alto, CA 94304-1600  
(650) 326-1600

**Project \_\_\_\_\_**  
**Minor Use Permit**

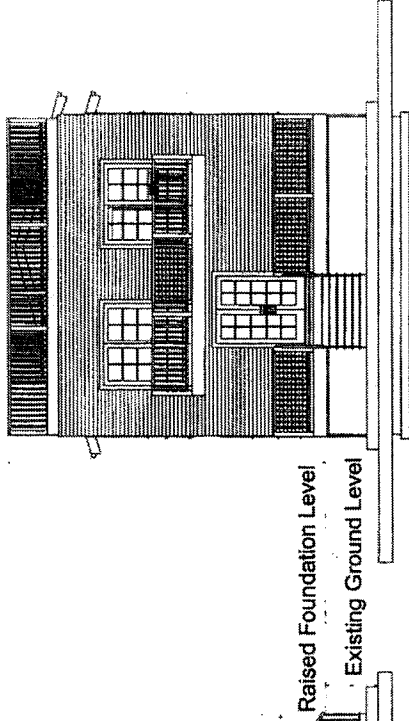
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Minor Use Permit  
Sweetland/ DRC2004-00032



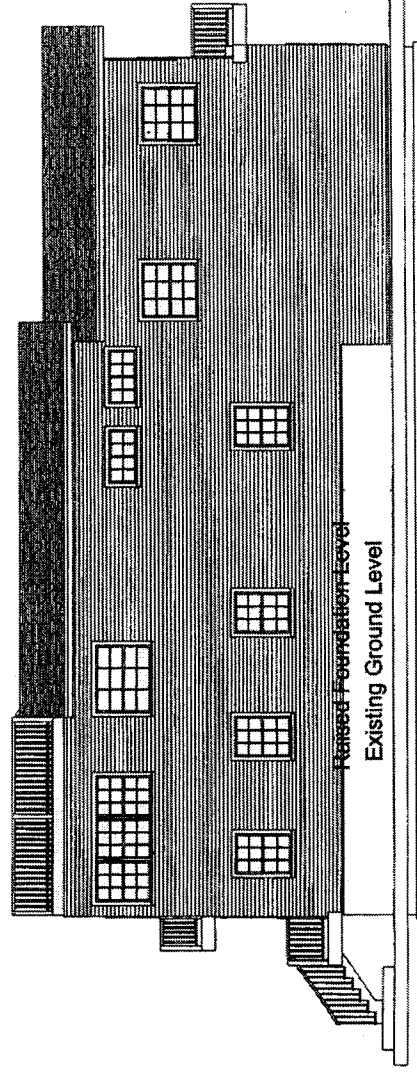
**Exhibit**  
**Floor Plan**



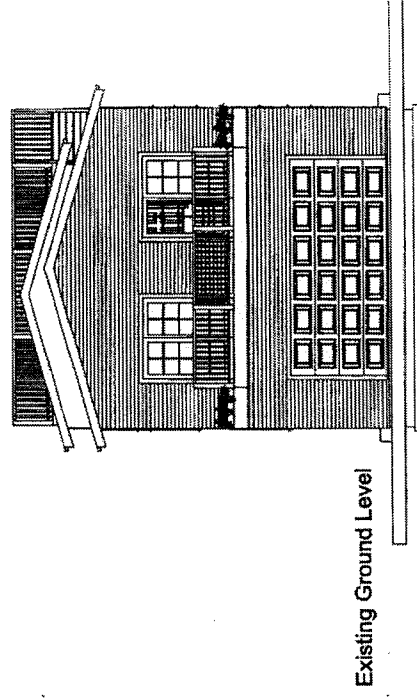
Right Side Elevation



Rear Elevation



Left Side Elevation



Front Elevation

